

**12305. Misbranding of butter. U. S. v. East Bay Creamery Co., a Corporation. Plea of guilty. Fine, \$100.** (F. & D. No. 17699. I. S. Nos. 8665-v, 11268-v.)

On November 13, 1923, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the East Bay Creamery Co., a corporation of Oakland, Calif., alleging that on or about May 1 and 28, 1923, respectively, the said company did deliver for shipment from the State of California to the Territory of Hawaii quantities of butter which was misbranded in violation of the food and drugs act. The article was labeled in part: "East Bay Creamery Oakland \* \* \* 1 Lb. Net Wt. In Quarters. East Bay Brand Finest Quality Pasteurized Butter."

Examination by the Bureau of Chemistry of this department of 300 packages from one lot and 240 packages from the remaining lot showed that the average net weight of the said packages was 15.73 ounces and 15.80 ounces respectively.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "1 Lb. Net Wt.," borne on the packages containing the article, regarding the said article, was false and misleading, in that it represented that each of said packages contained 1 pound net weight of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said packages contained 1 pound net weight of the said article, whereas, in truth and in fact, each of said packages did not contain 1 pound net weight of the said article but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On November 21, 1923, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**12306. Misbranding of butter. U. S. v. Monotti-Larimer, a Corporation. Plea of guilty. Fine, \$100.** (F. & D. No. 17613. I. S. Nos. 8699-v, 11259-v, 11806-v.)

On November 26, 1923, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Monotti-Larimer, a corporation, San Francisco, Calif., alleging shipment by said company, in violation of the food and drugs act as amended, in various consignments, namely, on or about March 13, March 20, and April 3, 1923, respectively, from the State of California into the Territory of Hawaii, of quantities of butter which was misbranded. The article was labeled in part: "Gold Medal Brand Pasteurized Butter \* \* \* Net Contents 1 Lb. \* \* \* Monotti, Larimer & Sollie, Distributors San Francisco."

Examination by the Bureau of Chemistry of this department of a sample taken from each of the three consignments showed that the average net weight of 180, 300, and 300 packages from the different consignments was 15.72, 15.77, and 15.78 ounces, respectively.

Misbranding of the article was alleged in the information for the reason that the statement, "Net Contents 1 Lb.," borne on the packages containing the article, was false and misleading in that the said statement represented that each of said packages contained 1 pound net of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said packages contained 1 pound net of the said article, whereas, in truth and in fact, each of said packages did not contain 1 pound net of the article but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On January 12, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**12307. Adulteration of raisins. U. S. v. 21 Bundles of Raisins. Consent decree of condemnation and forfeiture. Product released under bond to be reconditioned.** (F. & D. No. 18079. I. S. No. 15793-v. S. No. E-4595.)

On November 22, 1923, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in

the District Court of the United States for said district a libel praying the seizure and condemnation of 21 bundles of raisins, imported on or about November 21, 1922, remaining in the original, unbroken packages at New York, N. Y., alleging that the article had been shipped from Valparaiso, Chile, into the State of New York, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that the article consisted in part of a filthy, decomposed, and putrid vegetable substance.

On May 2, 1924, J. S. Malouf & Co., New York, N. Y., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$250, in conformity with section 10 of the act, conditioned that the good portion be separated from the bad portion under the supervision of this department and the bad portion destroyed or denatured.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**12308. Adulteration and misbranding of vanilla. U. S. v. 1 Barrel of Vanilla. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17974. I. S. No. 11547-v. S. No. W-1434.)**

On or about November 10, 1923, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 1 barrel of vanilla, remaining in the original unbroken package at Denver, Colo., consigned by W. K. Jahn & Co., Chicago, Ill., alleging that the article had been shipped from Chicago, Ill., on or about September 25, 1923, and transported from the State of Illinois into the State of Colorado, and charging adulteration and misbranding in violation of the food and drug act as amended. The article was labeled in part: "Rico Guaranteed 10 Gal. Baker's Special "A" Vanilla Compound Flavor The W. K. Jahn Company New York Montreal San Francisco Chicago Rico Flavor."

Adulteration of the article was alleged in the libel for the reason that a substance composed of a hydroalcoholic solution of vanillin and coumarin had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted wholly or in part for the said article. Adulteration was alleged for the further reason that the article was colored in a manner whereby damage or inferiority was concealed.

Misbranding was alleged for the reason that the statement "Vanilla Compound Flavor" on the label of the said barrel was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article, and for the further reason that it was [food] in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On January 2, 1924, the W. K. Jahn Co., Inc., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$125, in conformity with section 10 of the act.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**12309. Adulteration and misbranding of vanilla flavoring. U. S. v. Arthur L. Leech and S. Elfred Leech (The Arthur L. Leech Co.). Plea of nolo contendere. Fine, \$10. (F. & D. No. 17921. I. S. No. 1737-v.)**

On January 25, 1924, the United States attorney for the District of Maine, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Arthur L. Leech and S. Elfred Leech, copartners, trading as the Arthur L. Leech Co., Kennebunk, Me., alleging shipment by said defendants, in violation of the food and drugs act, on or about February 1, 1923, from the State of Maine into the State of Massachusetts, of a quantity of vanilla flavoring which was adulterated and